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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,652	10/30/2000	Edgar B. Cahoon	BB1168 US NA	8593
23906	7590 06/25/2002		.,	
E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805			EXAMINER	
			MCELWAIN, ELIZABETH F	
			ART UNIT	PAPER NUMBER
			1638	n
			DATE MAILED: 06/25/2002	8

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.						
Examiner Elizabeth McElwain - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ↑ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. and SIX (6) MONTHS from the mailing date of this communication. The period for reply specified some is less than thrift (3) days, a rapk within the statutory molitorer interly specified some is less than thrift (3) days, a rapk within the statutory molitorer interly 10 days will be considered timely. The period for reply specified some is less than thrift (3) days, a rapk within the statutory molitorer interly 10 days will be considered in the period to reply within the statutory molitorer interly 10 days will be considered interly. A yet yeth yether be after than three morths at the in an interly 100 days, and the communication. Filler to reply within the set or estanciate planel for reply will, by statutic, cause the application to become a NakoONED. It says does that communication the communication of the period planel term adjudinent. See 3 T CRT, 70×(6). Beginned planel term adjudinent. See 3 T CRT, 70×(6). Beginned planel term adjudinent. See 3 T CRT, 70×(6). This action is FINAL. 2b) This action is non-final. 3c) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 16-39 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5c) Claim(s) is/are allowed. 5c) Claim(s) is/are allowed. 5c) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawings to held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is/are: a) accepted or b) objected to			Application No.	Applicant(s)		
Elizabeth McElwain 1638	•			CAHOON ET AL.		
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The amendment filed October 30, 2000 has been entered.

Claims 1-15 have been cancelled.

Claims 16-39 are pending.

Applicants are reminded that nucleotide sequences encoding different proteins are structurally distinct chemical compounds and are unrelated to one another. These sequences are thus deemed to normally constitute **independent and distinct** inventions within the meaning of 35 U.S.C. 121. Absent evidence to the contrary, each such nucleotide sequence is presumed to represent an independent and distinct invention, subject to a restriction requirement pursuant to 35 U.S.C. 121 and 37 CFR 1.141 et seq.

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Upon election of Group V below, Applicant is additionally required to select a single nucleotide sequence. This requirement is not to be construed as a requirement for an election of species, since each nucleotide and amino acid sequence is not a member of single genus of invention, but constitutes an independent and patentably distinct invention.

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 16-29, 38 and 39 drawn to DNA, cells and plants transformed with said DNA, and a method of altering the level of expression of triacylglycerol lipase in a host cell, classified in class 800, subclass 281, for example.
- II. Claims 30 and 31, drawn to a method of producing a polynucleotide fragment, classified in class 435, subclass 72, for example.

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III. Claims 32-37, drawn to a polypeptide, classified in class 530, subclass 370, for example.

The inventions are distinct, each from the other because:

The inventions of Groups I-III are distinct products and methods, wherein one is not

required by the other. The methods of Groups I and II differ one from each of the others in

requiring different components and method steps, as well as differing in their starting and end-

products. In addition, the DNA of Group I and the polypeptide of Group III are each distinct

products that differ chemically and structurally. In addition, the polypeptide of Group III and

the method of Group II are not required one by the other. Thus the inventions of Groups I-III

are each capable of being separately made, independently used and the patentability of one

would not render the other obvious or unpatentable.

Because these inventions are distinct for the reasons given above and have acquired a

separate status in the art as shown by their different classification, their recognized divergent

subject matter, and the requirement for different areas of search, restriction for examination

purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37

CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention,

the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

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currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth F. McElwain whose telephone number is (703) 308-1794. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson, can be reached at (703) 306-3218. The fax phone number for this Group is (703) 308-4242. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989).

Any inquiry of a general nature or relating to the status of this application should be directed to the legal analyst, Gwendolyn Payne, whose telephone number is (703) 305-2475, or to the Group receptionist whose telephone number is (703) 308-0196.

Elizabeth F. McElwain, Ph.D. June 20, 2002

ELIZABETH F. McELWAIN PRIMARY EXAMINER GROUP 1600

Ell Juel.